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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/885,263

Filing Date 05/29/2001

First Named Inventor Mark J. Pivac

Group Art Unit 3611

Examiner Name

Total Number of Pages in This Submission

Attorney Docket Number 01-307

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/  
Incomplete Application

☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence  
Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication  
to Group

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please  
identify below):

Copies of correspondence  
previously submitted that  
includes oath and declaration  
and payment of filing fee.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

James R. Smith, Registration No. 41,318

Signature

*James R. Smith*

Date

March 19, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope address to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 03/19/2002

Typed or printed name

James R. Smith

Signature

*James R. Smith*

Date

3/19/2002

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
)  
MARK J. PIVAC ) Art Unit: 3611  
)  
Application No.: 09/885,263 ) Examiner: Unknown  
)  
Filed: 05/29/2001 ) Paper No.:  
)  
For: SUSPENSION LEVELING SYSTEM )  
)  
)  
Attorney Docket No.: 01-307 )  
\_\_\_\_\_)

Peoria, Illinois 61629-6490

19 MARCH, 2002

Assistant Commissioner for Patents  
Initial Patent Examination Division  
Washington, D.C. 20231

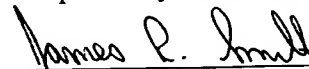
Response to NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated 03/11/2002, applicant respectfully submits that such NOTICE is in error. In support of applicant's position, attached please find a true copy of the correspondence submitted to the USPTO on 08/23/2001 requesting conversion of the provisional application to a nonprovisional application under 37 C.F.R. 1.53(c)(3), along with a copy of the fee transmittal authorizing the USPTO to charge applicant's deposit account in the then proper amount of \$840. Also provided is a copy of the Declaration and Power of Attorney as submitted with the provisional application corresponding to the present application. Applicant further respectfully submits that the aforementioned Declaration is in proper form because 27 C.F.R. 1.63 does not require that any such identification of the application include the serial number and filing date.

Please contact applicant's undersigned attorney if further clarification is required.

Respectfully submitted,



James R. Smith

Registration No. 41,318

Telephone: (309) 636-1569

Facsimile: (309) 675-1236



MAR 27 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,263	05/29/2001	Mark J. Pivac	01-307L

CONFIRMATION NO. 5396

FORMALITIES LETTER



\*OC000000007612095\*

719  
CATERPILLAR INC.  
100 N.E. ADAMS STREET  
PATENT DEPT.  
PEORIA, IL 616296490

Date Mailed: 03/11/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## DECLARATION AND POWER OF ATTORNEY

I, Mark J. Pivac, declare that I am a citizen of Australia, residing at Perth, Australia, and that I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### SUSPENSION LEVELING SYSTEM

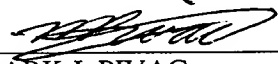
the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

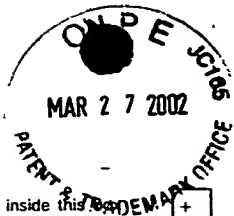
I acknowledge the duty to disclose to the Patent and Trademark Office all information known to be material to patentability as defined in §1.56. I further declare that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint James R. Smith, Patent Office Reg. No. 41,318, telephone (309) 636-1569, J. Wesley Blumenshine, Patent Office Reg. No. 32,399, telephone (309) 675-5537, J. W. Keen, Patent Office Reg. No. 28,432, telephone (309) 675-5753, and Dennis C. Skarvan, Patent Office Reg. No. 35,360, telephone (309) 675-6060, my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected with this application. Please address all correspondence to: James R. Smith, Caterpillar Inc., Intellectual Property Department, AB6490, 100 N.E. Adams Street, Peoria, Illinois 61629-6490.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
MARK J. PIVAC  
Post Office Address:  
11 Keane Way  
6076 Lesmurdie  
AUSTRALIA

19 JUN 01.  
Date



Please type a plus sign (+) inside this box.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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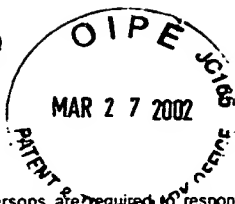
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	(Unassigned)
	Filing Date	May 29, 2001
	First Named Inventor	Mark J. Pivac
	Group Art Unit	(Unassigned)
	Examiner Name	(Unassigned)
Total Number of Pages in This Submission	Attorney Docket Number	01-307

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Acknowledgement Postcard Request/Petition Under CFR 1.53 (c)
Remarks		This is a request to convert provisional application, Serial No. 60/294,067, filed May 29, 2001, to a non-provisional application.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James R. Smith, Registration No. 41,318
Signature	
Date	August 23, 2001

U.S. POSTAL EXPRESS-MAILING LABEL NO. EL744441408US	
This correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this date: 08/23/2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

840

## Complete if Known

Application Number	(Unassigned)
Filing Date	May 29, 2001
First Named Inventor	Mark J. Pivac
Examiner Name	(Unassigned)
Group Art Unit	(Unassigned)
Attorney Docket No.	01-307

## METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number  
03-1129  
Deposit  
Account  
Name

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
19	20** = 0	18	0
3	3** = 0	80	0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

130

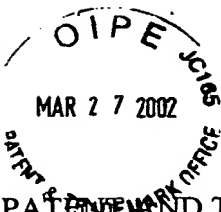
## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	James R. Smith	Registration No. (Attorney/Agent)	41,318	Telephone	(309) 636-1569
Signature	<i>James R. Smith</i>			Date	08/23/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Mark J. Pivac )  
Application No. 60/294,067 )  
Filed: May 29, 2001 )  
For: SUSPENSION LEVELING SYSTEM )  
Attorney Docket No. 01-307 )  
\_\_\_\_\_ )

Peoria, Illinois 61629-6490  
August 23, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

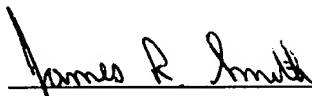
REQUEST FOR CONVERSION OF PROVISIONAL  
TO NON-PROVISIONAL APPLICATION  
(37 C.F.R. § 1.53(c)(3))

Sir:

Please convert the above identified provisional application filed to a non-provisional application under 37 C.F.R. § 1.53(c)(3).

A Declaration executed by the inventor is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
James R. Smith  
Reg. No. 41,318  
Caterpillar Inc.

Telephone: (309) 636-1569  
Facsimile: (309) 675-1236

03/29/2002 BABRAHA1 00000106 031129 09885263  
01 FC:122 130.00 CH

Adjustment date: 02/12/2003 JTIPPETT  
03/29/2002 BABRAHA1 00000106 031129 09885263  
01 FC:122 130.00 CR